IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 2965 OF 2005

M/s. NATIONAL ENGINEERING
WORKS & ORS. PETITIONERS

Versus

STATE BANK OF INDIA .. RESPONDENTS

Mr. M. M. Vashi for petitioners

Mr. Stella Noronha for R

CORAM:-SMT. RANJANA DESAI &

A. S. OKA, JJ.

DATED:- 14/12/2005

P.C.

1. We have heard the learned counsel for the parties.

2. We are informed that the post of the Chairperson of the Debt Recovery Appellate Tribunal is vacant and hence we entertain this petition.

3. We have perused the orders passed below Exhibits 48, 49 and 50. We are not happy with the approach adopted by the learned Presiding Officer. We feel that little indepth handling of the matter is necessary after hearing the parties. We have, however, not expressed any opinion on the merits of the contentions of the parties. The learned counsel for the respondents has no objection if the orders are set aside and the Presiding Officer is directed to reconsider the said applications on merits after hearing both sides.

3. The parties are agreed that no reasons are necessary for this order, hence we are not assigning any reasons.

4. In the circumstances orders below Exhibits 48, 49 and 50 are set aside. Applications are restored to file. The Presiding Officer DRT III is directed to decide the said applications afresh on merits after hearing the parties afresh.

5. Writ Petition is disposed of.

(SMT. RANJANA DESAI, J.)

(A.S. OKA, J.)